

REMARKS

By the Decision on Appeal dated January 28, 2008, Claims 9-16 are rejected. This amendment is accompanied by a Request for Continued Examination (RCE) under 37 C.F.R. §1.114, and a Petition for Revival of Application Unintentionally Abandoned under 37 C.F.R. §1.137(b), submitted contemporaneously herewith. Assignee respectfully requests reconsideration of the application in view of the accompanying amendments and remarks.

The present application was unintentionally abandoned after the Board of Patent Interferences and Appeals (hereinafter the "Board") rendered an appeal decision and the Applicants' failed to timely respond to a new ground of rejection. The present amendment is filed with a Request for Continued Examination (RCE), Petition to Revive Unintentionally Abandoned Application, and fee. After entry of the present amendment, claims 9 - 16 are pending. Independent claims 9, 12, and 14 have been amended, and reconsideration of the application is respectfully requested.

The Board rejected claims 9 - 16 under 35 U.S.C. 103(a) as obvious in view of U.S. Patent No. 5,679,940 to Templeton et. al (hereinafter "*Templeton*"). By the present response, independent claim 9 has been amended to clarify that the scope of the claimed invention of claim 9 can include the element "transmitting the modified negative file to at least one merchant for use in determining the collectability of a check writer at a merchant location". Independent claims 12 and 14 have been similarly amended. These amendments are fully supported by the Applicants' specification at least at page 8, lines 18-29, which states that:

In use, scrubbed file 20 is simply copied and sent to the merchant for implementation,. For example, scrubbed file 20 may be any file compatible with a computer system used for check verification. Scrubbed file may be a hard copy of information including "non-collectible" or "least collectible" check writers. Scrubbed file 20 may be updated periodically as needed.

For example, as similarly stated above, scrubbed file 20 or a copy thereof may be configured in a computer system which may be locally disposed within a store of the merchant. Cashier stations may then access via computer line scrubbed file 20, as needed. A cashier would simply type in or swipe a check through in order to access scrubbed file 20 or a copy thereof. If the customer's name, bank account number or identification is included within scrubbed file 20, then the customer is typically denied.

In contrast, *Templeton* does not disclose or suggest the element "transmitting the modified negative file to at least one merchant for use in check verification at a merchant location". *Templeton*, in fact, teaches away from the Applicants' claimed inventions since *Templeton* does not relate to the merchant's use of only a modified negative file for use in check verification, but rather, *Templeton* relates to the use of both a negative file and positive file by a check acceptance service to authorize a transaction. The processing time in having to transmit information to an off-site check acceptance service, and having to process a transaction against both a negative file and a positive file can be time consuming and relatively expensive. By using a modified negative file at a merchant's cashier station or location for processing check verifications, a merchant could expect expedited transaction processing.

For at least the reasons provided above, amended independent claims 9, 12, and 14 are believed to be allowable over *Templeton*.

Furthermore, dependent claims 10-11, 13, and 15 are ultimately dependent from at least one of amended independent claims 9, 12, or 14, and if the independent claims are allowable over the cited reference, the corresponding dependent claims should also allowable over the cited reference.

CONCLUSION

It is not believed that extensions of time or fees for addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

Respectfully submitted,



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